

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, May 16, 2001, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Russ Bayer, Jon Carlson, Steve Duvall, Linda Hunter, Gerry Krieser, Patte Newman, Greg Schwinn, Cecil Steward and Tommy Taylor; Kathleen Sellman, Ray Hill, Jason Reynolds, Becky Horner, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Russ Bayer called the meeting to order and requested a motion approving the minutes for the meeting held May 2, 2001. Motion to approve made by Hunter, seconded by Newman and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

Approval of the minutes of the special meeting of the Planning Commission held May 9, 2001, on the Capital Improvements Program and Transportation Improvement Program was deferred until May 30, 2001.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

May 16, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3324, SPECIAL PERMIT NO. 277H, COMPREHENSIVE PLAN CONFORMITY NO. 01001, WAIVER OF DESIGN STANDARDS NO. 01003, STREET AND ALLEY VACATION NO. 01008 AND MISCELLANEOUS NO. 01004.**

**Item No. 1.4, Waiver of Design Standards No. 01003, and Item No. 1.6, Miscellaneous No. 01004,** were removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Hunter and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

**WAIVER OF DESIGN STANDARDS NO. 01003  
TO WAIVE THE DEDICATION OF ADDITIONAL  
RIGHT-OF-WAY ON PROPERTY GENERALLY  
LOCATED AT NORTH 84<sup>TH</sup> STREET AND ADAMS STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 16, 2001

Members present: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer.

Planning staff recommendation: Approval.

This application was removed from the Consent Agenda at the request of Commissioner Schwinn and had separate public hearing.

Schwinn commented that obviously, Adams Street currently has 66' of right-of-way and as development occurs to the east and along the 84<sup>th</sup> Street corridor, it will probably be upgraded to a main arterial at some time in the future. In light of preserving these corridors, Schwinn finds it interesting that the city is giving 17' away. Ray Hill of Planning staff explained that it is a question of moving grades in the area that will be dedicated to the city. When it comes time when a development does or does not occur on the south side and we start asking that landowner to dedicate more property to create 5-lane intersections, Schwinn asked whether the record will reflect that the city has already given away 17' of land. Hill did not know how that would be reflected in any new development. That issue cannot be addressed until we know what the development to the south might be--the traffic issues, etc. Staff believes this waiver is appropriate because of the existing grades and the cemetery.

Schwinn wondered how the city will get back to the 100' right-of-way when it is needed.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 16, 2001

Duvall moved approval, seconded by Steward.

Steward suggested that it might very well be that we just narrow the street down and slow the traffic down at a cemetery. There are other alternatives than 5 lanes.

Motion for approval carried 9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes'.

**MISCELLANEOUS NO. 01004**  
**FOR PARTIAL VACATION OF THE**  
**LEAVITT'S SUBDIVISION**  
**ON PROPERTY GENERALLY LOCATED**  
**AT SOUTH 14<sup>TH</sup> STREET AND DAIRY DRIVE.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 16, 2001

Members present: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer.

Planning staff recommendation: Conditional Approval.

This application was removed from the Consent Agenda at the request of Commissioner Carlson and had separate public hearing.

Carlson was curious whether the intent of this application is to end up with three parcels owned by the state, county and the private owner of Lot 7. Ray Hill of the Planning staff advised that the plat preserves the way the land is owned today. The idea is to vacate Dairy Drive and then the owner of Lot 7, Lincoln Mattress, would be dedicating the north half of the street that leads into the Correctional Center. It is somewhat of a trade-off between all parties so that we can have a full-width right-of-way on the street for access to the Correctional Center. Vacating the plat will approach the issue of street access and reverts the ownership back.

Carlson inquired as to the future use of the parcels. Hill advised that the county property will be used for correctional services; the state owns all the land to the north of Dairy Drive.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 16, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, seconded by Krieser and carried 9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes'.

**SPECIAL PERMIT NO. 1907**  
**TO EXPAND A NONCONFORMING USE**  
**ON PROPERTY GENERALLY LOCATED**  
**AT S.W. 30<sup>TH</sup> STREET AND WEST "A" STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 16, 2001

Members present: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer.

Planning staff recommendation: Denial.

Becky Horner of the Planning staff submitted additional information for the record, including a summarization of section 27.58.060 of the Lincoln Municipal Code which talks about building specifications for residences located between the Ldn 65 and the Ldn 70. The Lincoln Airport Authority has also provided two letters that were sent to the Law Department and the Mayor indicating that the Airport Authority has applied for a grant to do a new noise level study for the Airport Environs District. The additional information also includes an Airport Environs District map showing the Ldns and the existing residences.

Proponents

**1. Lezlie Patton** appeared along with and on behalf of Rick Stromer, the property owner. When Stromer first applied for a building permit to make this addition to the residence (a sunroom), it became necessary to obtain a special permit because of the Ldn lines and the Airport Environs code. The Planning staff appears to believe that the zoning is an issue—not the Ldn lines. Patton believes there are two issues: the Airport Environs code and the actual zoning. The Planning staff believes this property is in a general commercial area and Patton disagrees. The current zoning of the property is AGR. The Comprehensive Plan shows this property to become a commercial/industrial type area, but at this point in time it is not. Patton takes the position that until the property is actually rezoned, the owner has the right to build on this property as written in the grandfather clause in the code.

Patton also pointed out that the Airport Environs code states that enlargement may be allowed by special permit if the health, safety and general welfare of the property owners and users of the airport are not adversely affected. Until today, the applicant had a letter from the Airport Authority stating that they had no objections. Patton does not believe the health, welfare, and safety of the property owner or users will be adversely affected. There are no guidelines that fit in the 75 Ldn lines. She believes that if there are no actual building guidelines, then we can use common sense and see that the houses are in these lines already. The applicant will not

build anything that is less structurally sound than when the home was built in 1963. The homeowner is not bothered by the noise. The property owners are not bothered by the situation of where their land is located and are willing to invest money to do an addition to the residence. It will not affect their general welfare.

**2. Rick Stromer**, property owner, stated that he has lived on the property for four years. There was no testimony in opposition.

Staff questions

Carlson asked the staff to explain the basis for the recommendation of denial. Becky Horner referred to the analysis in the staff report which states that this area is identified in Comprehensive Plan as industrial. There are very few residences left in the Ldn 75 area. By expanding a nonconforming use, we prolong the life of that use, where eventually it should become conforming. The concern is that they are within the Ldn 75, which does not allow residential uses.

Schwinn pointed out that the zoning is AGR—not H-4. Horner reiterated that the residence is a nonconforming use because it is within the Ldn 75 district and it requires a special permit. Schwinn does not think the airport cares about that any longer.

There was no rebuttal by the applicant.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 16, 2001

Steward moved approval, with conditions, seconded by Schwinn and carried 9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting “yes”.

Note: This is final action by the Planning Commission unless appealed to the City Council within 14 days of the action by the Planning Commission.

**SPECIAL PERMIT NO. 1901**  
**VAVIK RIDGE COMMUNITY UNIT PLAN**  
**and**  
**PRELIMINARY PLAT NO. 01001,**  
**VAVIK RIDGE,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT SOUTH 56<sup>TH</sup> STREET AND ELKCREST DRIVE.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

May 16, 2001

Members present: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer.

Planning staff recommendation: Conditional Approval.

Proponents

1. **Brian Carstens** appeared on behalf of the owners and developers. This is a community unit plan and special permit for elderly retirement housing on So. 56<sup>th</sup>, the site of an existing trailer court. It had been platted with Quail Valley back in the 1970's. The proposal today is for 11 duplex-townhome type structures on a private roadway, with several waivers of the setback requirements so as not to require a change of zone.

Carstens noted that the drainage had been of concern to some of the neighbors. A swale has been created along the rear of Lots 1 through 10, going down into an existing common area with a low flow liner and detention cell draining into that low flow liner. Thus, the drainage will not go over the hill to the neighbors to the south.

Carstens agreed with all conditions of approval as set forth in the staff report.

Carstens also advised that the developer has met with the Quail Valley Neighborhood Assn. and the most current set of plans were distributed to the neighborhood. The neighbors are excited to see the trailer court go away.

Carlson inquired about the rear yard on the west. Carstens explained that the reduction is from 30' to 20'. There is landscaping along that line.

There was no testimony in opposition.

Public hearing was closed.

**SPECIAL PERMIT NO. 1901,**  
**VAVIK RIDGE COMMUNITY UNIT PLAN**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 16, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, seconded by Hunter.

Carlson thinks this development will be much better than the 10 trailer houses that are there.

Motion for conditional approval carried 9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes'.

**PRELIMINARY PLAT NO. 01001,**  
**VAVIK RIDGE**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

May 16, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall and carried 9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes'.

There being no further business, the meeting was adjourned at 1:30 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on May 30, 2001.